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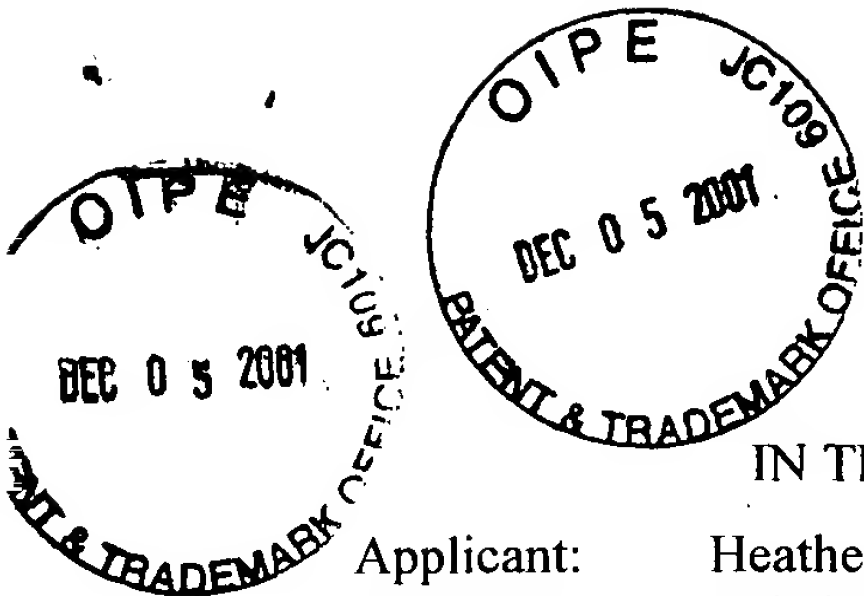
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1632

ATTORNEY'S DOCKET NO: C1040/7010(HCL/MAT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heather L. Davis and Michael J. McCluskie
Serial No: 09/768,012
Filed: January 22, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR INDUCING A TH2
IMMUNE RESPONSE
Examiner: Not Yet Assigned
Art Unit: 1632

62/158
12/18/01

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 2ND day of November, 2001.

Maria A. Trevisan

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Information Disclosure Statement/PTO Form 1449/References Cited
- ☒ Return Receipt Postcard

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If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

Maria A. Trevisan
Reg. No. 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617) 720-3500

Docket No. C1040/7010(HCL/MAT)
Date: November 2, 2001
XNDD



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Maria A. Trevisan

Commissioner for Patents
Washington, D.C. 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

| <u>Docket No.</u> | <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> |
|-------------------|-------------------|--------------------|--------------------|
| C1037/7013 | 09/776,479 | 02/02/01 | Bratzler et al. |
| C1037/7017 | 09/800,266 | 03/05/01 | Bratzler et al. |
| C1037/7018 | 09/801,839 | 03/08/01 | Bratzler et al. |
| C1037/7019 | 09/920,313 | 08/01/01 | Bratzler et al. |
| C1039/7009 | 09/082,649 | 05/20/98 | Davis et al. |
| C1039/7016 | 09/154,614 | 09/16/98 | Davis et al. |
| C1039/7017 | 09/191,170 | 11/13/98 | Krieg et al. |
| C1039/7020 | 09/337,584 | 06/21/99 | Krieg et al. |
| C1039/7021 | 09/337,619 | 06/21/99 | Krieg et al. |
| C1039/7022 | 09/337,893 | 06/21/99 | Krieg |
| C1039/7023 | 09/337,636 | 06/21/99 | Krieg |
| C1039/7025 | 09/325,193 | 06/03/99 | Davis et al. |
| C1039/7027 | 09/306,281 | 05/06/99 | Gramzinski et al. |
| C1039/7028 | 09/361,575 | 07/27/99 | Krieg |
| C1039/7029 | 09/415,142 | 10/09/99 | Krieg et al. |
| C1039/7035 | 09/669,187 | 09/25/00 | Krieg et al. |
| C1039/7036 | 09/559,140 | 04/27/00 | Noll et al. |
| C1039/7041 | 09/655,319 | 09/05/00 | Krieg et al. |
| C1039/7042 | 09/630,319 | 07/31/00 | Krieg et al. |
| C1039/7043 | 09/629,477 | 07/31/00 | Krieg et al. |
| C1039/7044 | 09/672,126 | 09/27/00 | Hartmann et al. |
| C1039/7048 | 09/818,918 | 03/27/01 | Krieg et al. |
| C1039/7049 | 09/824,468 | 04/02/01 | Krieg et al. |
| C1039/7052 | 09/888,326 | 06/22/01 | Weiner et al. |
| C1040/7004 | 09/146,072 | 09/02/98 | Davis et al. |
| C1040/7006 | 09/316,199 | 05/21/99 | McCluskie et al. |
| C1041/7002 | 09/241,653 | 02/02/99 | Wagner et al. |
| C1041/7005 | 09/355,254 | 02/22/00 | Wagner et al. |
| C1041/7010 | 09/786,436 | 03/02/01 | Wagner et al. |
| C1041/7014 | 09/895,007 | 06/28/01 | Schetter et al. |

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Heather L. Davis et al., Applicant(s)

By: 

Maria A. Trevisan, Reg No. 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 720-3500

Docket No. C1040/7010(HCL/MAT)
Dated: November 2ND, 2001
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